

NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number  
22489.0003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on

August 19, 2004.

Signature

Typed or

Printed Name Martin G. Linihan

In re Application of Ross M. Swan

Application Number 10/072,070

Filed February 8, 2002

For Year Round Selective Dehumidifying And  
Humidifying Apparatus And Method

Group Art Unit 3744

Examiner H. B. Tanner

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330

- ☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 165

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 08-2442. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- ☐ applicant/inventor  
☐ assignee of record of the entire interest.  
(See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  
☒ attorney or agent of record.  
Registration number 24,926  
☐ attorney or agent acting under 37 CFR 1.34(a)  
Registration number if acting under 37 CFR 1.34(a). \_\_\_\_\_

Signature

Martin G. Linihan

Typed or printed name

(716) 848-1367

Telephone Number

August 19, 2004

Date

NOTE: Signatures of all the inventors of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required.

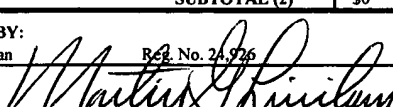
☐ Total of \_\_\_\_\_ forms are submitted.

PTO/SB/17 (10-03) Approved for use through 07/31/2006, OMB 0657-0032		Application Number		10/072,070	
<b>FEE TRANSMITTAL</b> <b>for FY 2004</b> <i>Effective 10/01/2003. Patent Fees are subject to annual revision.</i>		Filing Date		February 8, 2002	
		First Named Inventor		Ross M. Swan	
		Examiner Name		H. B. Tanner	
		Group/Art Unit		3744	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Attorney Docket Number		22489.0003	
TOTAL AMOUNT OF PAYMENT		(\$165)			

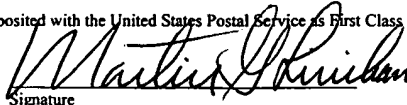
METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)							
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: <u>08-2442</u> Deposit Account Name: <u>Hodgson Russ LLP</u> The Director is hereby authorized to (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Charge any fee deficiencies or credit any overpayments <input type="checkbox"/> Charge any additional fees during pendency of this application. <input type="checkbox"/> Charge fees indicated below, except for the filing fee to the above-identified deposit account	3. ADDITIONAL FEES							
	Large Entity		Small Entity		Fee Description	Fee Paid		
	Fee Code	Fee (\$)	Fee Code	Fee (\$)				
	1051	130	2051	65	Surcharge - late filing fee or oath	\$		
	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	\$		
	1053	130	1053	130	Non-English specification	\$		
	1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	\$		
	1804	920*	1804	920*	Requesting Publication of SIR prior to Examiner Action	\$		
	1805	1,840*	1805	1,840*	Requesting Publication of SIR after Examiner Action	\$		
	1251	110	2251	55	Extension for reply within first month	\$		
1252	420	2252	210	Extension for reply within second month	\$			
1253	950	2253	475	Extension for reply within third month	\$			
1254	1,480	2254	740	Extension for reply within fourth month	\$			
1255	2,010	2255	1,005	Extension for reply within fifth month	\$			
SUBTOTAL (1)		\$0	1401	330	2401	165	Notice of Appeal	\$165
2. EXTRA CLAIM FEES FOR UTILITY/ REISSUE		Extra Fee from		Fee Paid				
Total Claims / / -20** = / / x / / =		Claims below						
Independent Claims / / - 3** = / / x / / =								
Multiple dependent / / x / / =								
1402		330	2402	165	Filing a brief in support of an appeal	\$		
1403		290	2403	145	Request for oral hearing	\$		
1451		1,510	1451	1,510	Petition to institute a public use proceeding	\$		
1452		110	2452	55	Petition to revive - unavoidable	\$		
1453		1,330	2453	665	Petition to revive - unintentional	\$		
1501		1,330	2501	665	10 advance copies Utility issue fee (or reissue)	\$		
1502		480	2502	240	Design issue fee	\$		
1503		640	2503	320	Plant issue fee	\$		
1460		130	1460	130	Petitions to the Commissioner	\$		
1807		50	1807	50	Processing fee under 37 CFR 1.17(q)	\$		
1806		180	1806	180	Submission of Information Disclosure Statement	\$		
8021		40	8021	40	Recording each patent assignment per property (times number of properties)	\$		
1809		770	2809	385	Filing a submission after final rejection(37 CFR 1.129(a))	\$		
1810		770	2810	385	For each add'l invention to be examined(37 CFR 1.129(b))	\$		
1801		770	2801	385	Request For Continued Examination (RCE)	\$		
1802		900	1802	900	Request for Expedited Examination of a design application	\$		
Other fee (specify)						\$		
*Reduced by basic filing fee paid			SUBTOTAL (3)			\$165		

SUBMITTED BY: Martin G. Linihan Reg. No. 24,926		1810		770	2810	385	For each add'l invention to be examined(37 CFR 1.129(b))	\$
SIGNATURE 		1801		770	2801	385	Request For Continued Examination (RCE)	\$
DATE: August 19, 2004 Telephone: (716) 848-1367		1802		900	1802	900	Request for Expedited Examination of a design application	\$

I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 19, 2004.

\_\_\_\_\_  
 Name  
 956071 v1 (KHPJ011.DOC)

  
 Signature

\_\_\_\_\_  
 August 19, 2004  
 Date of Signature